

MINUTES

Scotland County Board of Commissioners

May 2, 2011 Regular Meeting

A.B. Gibson Education Center, 322 South Main Street, Laurinburg NC

At 7 p.m. Chairman Bob Davis called the meeting to order. Commissioners in attendance: Chairman Davis, Vice Chair Joyce McDow and Commissioners John Alford, John Cooley, Carol McCall, Guy McCook and Clarence McPhatter. Staff in attendance: County Manager Kevin Patterson, County Attorney Ed Johnston and Clerk to the Board Ann W. Kurtzman. Vice Chair McDow delivered the invocation. The Pledge of Allegiance was recited.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCall to approve the May 2, 2011 agenda. Vote: Motion unanimously approved.

Public Forum

Scotland County resident **Mr. Charles Parker** said candidates during the last campaign said they would support an effort to repeal the School Floor. Mr. Parkers said the 1963 legislation is outdated. Mr. Parker said the Commissioners, as custodians of the County funds, should look after the welfare of the County. He questioned how the Board could do that if they have no control over the school funding except to write the check and send it to the schools.

Commissioner Alford commended Mr. Parker for his comments. Commissioner Alford said the Commissioners have been asked many times to put it before the people. Commissioner Alford asked the Board to seriously consider Mr. Parker's request.

Item 1.Public Hearing: Rezoning Application Number 464-11

Planning and Zoning Board Chairman Henry McLeod presented the following rezoning application:

Rezoning Application Number 464-11 – Paul E. Blackwelder – Request to rezone 21.80 acres in accordance with the Scotland County Zoning Ordinance, Article IV from RA (Residential Agriculture) to I2 (Heavy Industrial) with a Conditional Use for a 300' X 300' area to be used for a landfill to dispose of wooded material. The property is located at the intersection of Rockingham Rd and Corbitt Rd. and is better described as Scotland County Tax Map Number 158, Block 01, Parcel Number 0231.

Mr. McLeod said the Planning and Zoning Board recommends the Board of Commissioners approve the rezoning application. Mr. McLeod said in order to clear up any uncertainty about the conditional use that the applicant abide by the following conditions for a Conditional Use:

- Facility shall comply with all State and County solid waste rules and regulations
- Facility shall secure access to the site in order to restrict illegal dumping

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- The facility will only accept land clearing debris such as trees, stumps, limbs or other vegetative materials or inert waste such as concrete, brick, block and asphalt. If wastes other than these are comingled in the load they must be separated and disposed in the appropriate permitted facility.
- County Solid waste staff will have access to the site during the normal operating hours to perform inspections as needed.
- Violation of any State or Local rules or regulations will be grounds to revoke this conditional use permit at the sole discretion of Scotland County.

Chairman Davis said the applicant is his nephew. Chairman Davis said he has no monetary or financial interest in the endeavor.

Commissioner McPhatter asked if the landfill would compete with the County's landfill. Commissioner McPhatter asked who would monitor the operation.

Chairman Davis said the sand pit is already approved by the State, and Mr. Blackwelder went through the necessary procedures to get State approval. Mr. McLeod said the State would not send an inspector as often as it does to the County landfill, but if there is a complaint at the local level, the County would have authority to "nip it in the bud."

Commissioner Cooley said if the Commissioners had a hard copy list of the recommended conditions, the recommendation would be clearer for the governing body.

Commissioner McCook asked if there were any uses permitted by right for an I2 zoning. Mr. McLeod said there are, but dumping and mining are not among them. Mr. Patterson said any kind of mining has to be in an I2 with a conditional use.

Commissioner Cooley said the mine has been there longer than Scotland County has had zoning. Commissioner Cooley said the Commissioners now have opportunity to correct it because it should have been I2 to begin with.

Chairman Davis opened the Public Hearing and asked if anyone wished to speak in favor or in opposition to rezoning application 464-11. No one came forward, and the Public Hearing was closed.

Motion was made by Commissioner Alford and duly seconded by Commissioner Cooley to approve Rezoning Application Number 464-11 along with the conditions for a conditional use as recommended by the Planning and Zoning Board. Vote: For: Chairman Davis, Vice Chair McDow and Commissioners Alford, Cooley, McCall and McCook. Vote: Against: Commissioner McPhatter. Motion approved.

Item 2. Public Hearing: Receipt of additional funds for the FY 2008 Community Development Block Grant Scattered Site Program.

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LRCOG Housing Coordinator Adrian Lowery said five units were approved for the FY 2008 Community Development Block Grant Scattered Site Program, but there was only enough funding to complete four units.

Mr. Lowery said the County requested an additional \$60,842.45 from CDBG in order to complete the fifth and final replacement unit, which is located in Gibson.

Mr. Lowery said the Public Hearing is required as part of the process to secure the additional funding.

Chairman Davis opened the Public Hearing and asked if anyone wished to speak in favor of or against the request for the additional CDBG funds. No one came forward and the Public Hearing was closed.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to approve funding agreement for additional funding in the amount of \$60,842.45. Vote: Motion unanimously approved.

Item 3. Public Hearing: Application for Community Development Block Grant Economic Development Program funds

Economic Developer Greg Icard said this is the second required Public Hearing in order for the County to apply for Community Development Block Grant funds for economic development. Mr. Icard said the \$260,000 project would provide a sewer line and possibly a lift station to FCC, which has plans to grow and expand.

Chairman Davis called the Public Hearing and asked if anyone wished to comment in favor of or against the application process for CDBG economic development funds. No one came forward, and the Public Hearing was closed.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCall to approve plans to apply for funds through the Community Development Block Grant Economic Development Program. Vote: Motion unanimously approved.

Item 4. Mental Health: Statewide expansion of the Medicaid waiver

Mental Health Area Director and CEO Jeanette Jordan-Huffam explained recent State legislation, which might cause the four-county mental health region to merge with or form an interlocal agreement with a larger mental health region. Ms. Jordan-Huffam said a merger or interlocal agreement would be necessary for the four-county region to be part of a larger catchment area with a minimum population requirement.

Ms. Jordan-Huffam said the Southeast region must merge or develop an interlocal agreement by May 20. She said there are concerns the timeline is unrealistic.

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Ms. Jordan-Huffam said Southeastern asked the State that the deadline be extended past May 20, to delete the requirement that LMEs with populations under 300,000 will receive system management funding cuts by 2012, to delete the requirement restricting partnership options to either merger or lead LME model and to change language identifying Lead LME to Single Contracting Entity model. Ms. Jordan-Huffam said the local endorsement might go to a State entity.

Ms. Jordan-Huffam asked the Commissioners not to support House Bill 618 to streamline oversight of DHHS service providers because there is a need for a local presence in the four-county community.

Item 5. Well inspections report

Environmental Health Supervisor Brian Lowry said the County has had a well ordinance in place years before the State had its own legislation. Mr. Lowry described the County's well inspection process, which ensures a well in Scotland County is built to State standards. Mr. Lowry said the County also tests the well water. Mr. Lowry said if the State repealed its program, the County well ordinance would continue.

Item 6. Consent Agenda:

- a) **Approval of minutes of the Board of Commissioners April 4, 2011 regular meeting and April 20, 2011 Budget Work Session.**
- b) **Approve EMS Week Proclamation.**
- c) **Budget Amendments:**
 - 1) **DSS: Approve receipt of funds in the amount of \$25,000, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
 - 2) **DSS: Approve receipt of funds in the amount of \$201,590 and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
 - 3) **Library: Approve receipt of funds in the amount of \$667.87, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to approve the Consent Agenda. Vote: Motion unanimously approved.

Item 7. 2010 Annual Report: Community Child Protection Team

DSS Director Robby Hall presented the Community Child Protection Team 2010 annual report. Mr. Hall said the CCPT reviewed the cases of eight families, which included 14 children total. He said substance abuse and domestic violence continue to be major issues for the families. Mr. Hall said access to limited resources for inpatient and outpatient treatment remains an obstacle.

Mr. Hall then discussed 2010 accomplishments of the CCPT through education and community awareness campaigns, which will continue in 2011.

Motion was made by Commissioner Alford and duly seconded by Vice Chair McDow to approve the CCPT membership list as submitted. Vote: Motion unanimously approved.

Item 8. 2009 Annual Report: Child Fatality Prevention Team

Child Fatality Prevention Team Chair Kitty Johnson discussed CFPT accomplishments for 2010-2011 and reported on child deaths in 2009, of which there were eight. She explained the cause of death for each case.

Item 9. Appointments to Board and Committees

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to reappoint Mr. Jimmy Bennett to a three-year term on the Scotland County Zoning Board of Adjustment. Vote: Motion unanimously approved.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Cooley to reappoint Ms. Annie Cureton, Mr. Brooks Baines and Mr. Roylin Hammond to three-year terms on the LRCOG Adult Care Home Community Advisory Committee. Vote: Motion unanimously approved.

Motion was made by Vice Chair McDow and duly seconded by Commissioner McCook to appoint Ms. Melissa Brisson and Mr. Duke Williams to three-year terms on the Parks and Recreation Advisory Board and to reappoint Mr. Rodney McCarter and Mr. Ken Nichols to three-year terms on the Parks and Recreation Advisory Board. Vote: Motion unanimously approved.

Item 10. Report from the County Manager

The County Manager said six seasonal employees — three for the Splash Pad and three for summer camp activities — would have to be hired to run the programs. Mr. Patterson asked permission for the County to hire the seasonal employees.

Motion was made by Commissioner McCook and duly seconded by Commissioner McCall to hire six seasonal employees for the recreational summer programs. Vote: Motion unanimously approved.

Mr. Patterson said a draft resolution opposing the loss of county school construction funds and shifting school funding responsibilities to counties is in the agenda.

Motion was made by Commissioner Alford and duly seconded by Vice Chair McDow to approve a Resolution Opposing the Loss of County School Construction Dollars and the Shift of State School Funding Responsibilities to Counties. Vote: Motion unanimously approved.

**RESOLUTION OPPOSING THE LOSS OF COUNTY SCHOOL CONSTRUCTION DOLLARS
AND THE SHIFT OF STATE SCHOOL FUNDING RESPONSIBILITIES TO COUNTIES**

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WHEREAS, counties in North Carolina are statutorily responsible for providing public school facilities in North Carolina and contribute significant county funds for classroom expenses; and

WHEREAS, counties spend more than \$1.5 billion annually for public school capital needs and \$2.5 billion for public school operating expenses; and

WHEREAS, counties rely on local sales taxes, property taxes, the county share of lottery funds and the county share of the corporate income tax to help fund public school capital needs and have issued public debt based on these revenue streams; and

WHEREAS, counties have lost more than a quarter billion dollars in lottery and corporate income tax school construction funds over the current biennium; and

WHEREAS, the Governor's budget proposal permanently eliminates the county share of the corporate income tax and reduces the county lottery share by 75 percent, costing counties more than \$200 million per year in revenues dedicated to public school construction needs; and

WHEREAS, the budget proposal shifts responsibility to pay for replacement school buses (\$56.9 million per year) to counties; and

WHEREAS, the budget proposal also takes the unprecedented step of forcing counties to assume the workers' compensation costs for state-paid public school employees (\$34.6 million per year) and community college employees (\$1.7 million per year) and to fund school tort claims (\$4.6 million per year); and

WHEREAS, the budget proposal reflects an overall cost shift to counties of \$345 million in 2011-12 alone, requiring counties to raise property taxes to manage a loss of this magnitude;

NOW, THEREFORE, BE IT RESOLVED that the Scotland County Board of Commissioners adamantly opposes the unfunded mandates and the loss of county revenues included in the Governor's budget proposal; and

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly to let them know of our opposition to these unprecedented changes in county responsibility and the use of county revenues to balance the state budget.

Adopted this the 2nd day of May 2011.

Mr. Patterson said Rules of Procedure and the policies to fund non-profits and address travel procedures were reviewed by the Policy Committee and are now ready for action by the Board.

Motion was made by Commissioner McCall and duly seconded by Commissioner Alford to approve the Rules of Procedure. Vote: Motion unanimously approved.

Motion was made by Commissioner Alford and duly seconded by Commissioner Cooley to Approve the Governmental and Non-Profit Grants Policy. Vote: For: Chairman Davis, Vice Chair McDow and Commissioners Alford, Cooley, McCall and McCook. Vote: Against: Commissioner McPhatter. Motion approved.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCall to approve the Travel Policy. Vote: Motion unanimously approved.

Mr. Patterson said County Legislative Day is May 25. The fee is waived for county commissioners who register by May 18.

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Mr. Patterson said the appointment of Tax Administrator Mary Helen Norton is coming to the end of its term. General Statutes state the Board must appoint the tax administrator from a one to a four year term. Ms. Norton in the past was appointed to two-year terms.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner Alford to appoint Tax Administrator Mary Helen Norton to a four-year term. Vote: Motion unanimously approved.

The County Manager added the following three items to his report:

The County appropriated \$165,384 to RCC in FY 2010, which included an increase for the Honeycutt Center. RCC budgeted receipt of the funds for FY 2010. The County funded RCC at the previous year's level until the Honeycutt Center was received by RCC, which did not occur in the fiscal year. As a result RCC received \$105,000, which was \$60,384 under the appropriation.

RCC included the additional funding budgeted in its fund balance, which put RCC in a \$60,000 deficit. RCC now requests the remaining funds of \$60,384 from the 2010 appropriation.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner Alford to appropriate \$60,384 in additional funding to RCC. Vote: Motion unanimously approved.

Mr. Patterson said CDBG funds allowed the City of Laurinburg to make water, sewer and storm water improvements in front of the Government Complex. He said the additional easement is being placed where the primary driveway to the Complex is located. The turn in the main entrance to the Complex will be altered to a 30-degree angle from a 90-degree turn.

Motion was made by Commissioner Alford and duly seconded by Vice Chair McDow to approve the City of Laurinburg's request for an easement at the Government Complex. Vote: Motion unanimously approved.

Mr. Patterson said the Optimists would like the lights at Jaycee Park, and the group offered to take them down. Mr. Patterson said the Lions Club also expressed interest in lights at Murray and Presbyterian parks.

Motion was made by Commissioner McCook and duly seconded by Commissioner Alford to surplus the lights at Jaycee, Murray and Presbyterian parks and to permit the Optimists and the Lions clubs to take down the lights and to release the County from any liability. Vote: Motion unanimously approved.

Mr. Patterson noted that SRMH quarterly fiscal monitoring report and resolutions from various counties also are included in the agenda.

Chairman and Commissioners: Comments and Committee reports

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Commissioner Cooley said all the Commissioners should have a list of the conditional use recommendations for the rezoning application. He asked County Engineer Jim Blackwell to forward the conditional use recommendations to the County Manager for distribution to the governing board.

Item 11. Closed Session

Motion was made by Vice Chair McDow and duly seconded by Commissioner McCall to go into Closed Session in accordance with N.C. General Statute §143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body.

Vote: Motion unanimously approved.

OPEN SESSION RESUMED

Motion was made by Commissioner Alford and duly seconded by Commissioner Cooley to recess to 10 a.m. June 2 at 507 West Covington Street. Vote: Motion unanimously approved.

Ann W. Kurtzman
Clerk to the Board

Bob Davis
Chairman